

DAAPHNE E. BARBEE 2911
 Attorney & Counselor at Law
 Century Square, Suite 1909
 1188 Bishop Street
 Honolulu, Hawaii 96813
 Telephone: (808) 533-0275

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

ORIGINAL

SEP 14 2006

at _____ o'clock and _____ min. _____ M
 SUE BEITIA, CLERK

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

RAYMOND WARE,)	CIVIL NO. 04-00671 HG/LEK
)	
Plaintiff,)	PLAINTIFF'S SUPPLEMENTAL
)	RESPONSE TO DEFENDANT'S
vs.)	SUMMARY JUDGMENT AND
)	AMENDED MOTION TO
SIDNEY HAYAKAWA, Director of)	CONTINUE HEARING DATE ON
Transportation Security)	DEFENDANTS
Administration - Honolulu, KEN)	MOTION FOR SUMMARY
KAMAHELE, Deputy Director,)	JUDGMENT; DECLARATION OF
Transportation Security)	PLAINTIFF; DECLARATION OF
Administration-Honolulu;)	COUNSEL; EXHIBITS "24-26";
TRANSPORTATION SECURITY)	CERTIFICATE OF SERVICE
ADMINISTRATION; THOMAS J.)	
RIDGE, Secretary, Department of)	
Homeland Security, DEPARTMENT)	
OF HOMELAND SECURITY;)	
JOHN DOES 2-5,)	DATE:
)	
Defendants.)	TIME:

JUDGE: HELEN GILMORE

TW: 11-14-06

**PLAINTIFF'S SUPPLEMENTAL RESPONSE TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT AND AMENDED MOTION
TO CONTINUE HEARING DATE ON DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT**

Comes now Plaintiff RAYMOND E. WARE, by and through his attorney Daphne E. Barbee, and submits supplemental declarations and exhibits in response to Defendant's Motion for Summary Judgment and amends his previous request that this Honorable Court grant a continuance of the hearing on Defendant's Motion for Summary Judgment which is presently scheduled for September 18, 2006 at 9:45 a.m. to a date after complete discovery is received and after there is a ruling on the Ninth Circuit Appeal regarding full disclosure of the recertification test results for Plaintiff.

This Motion is made pursuant to Rule 56 (f) Federal Rules of Civil Procedure and is based upon the attached Declaration of Plaintiff; Declaration of Counsel, Exhibits 24-26 and such further matters as may be presented at the hearing on this Motion.

DATED: HONOLULU, HAWAII 9-14-06.



DAPHNE E. BARBEE
ATTORNEY FOR PLAINTIFF